IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 22144 of 2004(J)

PETITIONER:

T.C. GEORGE, STATION MASTER (RETIRED)
THANDASSERIL HOUSE, PARAMPUZHA P.O.,
KOTTAYAM-32.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:
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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, STATE WATER TRANSPORT DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL (A & E) KERALA, THIRUVANANTHAPURAM.

3. THE DIRECTOR, STATE WATER TRANSPORT DEPARTMENT, ALAPPUZHA.

BY GOVERNMENT PLEADER SMT. ANU SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 22144/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT.20/06/2002 BY THE R3.

EXT.P2. COPY OF THE ORDER DT. 6/11/2002 OF THE R2.

EXT.P3. COPY OF THE ORDER DT. 4/1/2003 OF THE R3.

EXT.P4. COPY OF THE INTIMATION DT. 21/1/2003 OF THE R2.

EXT.P5. COPY OF THE ORDER DT. 09/07/2004 OF THE R3

RESPONDENT'S EXHIBITS **NIL.**

True copy

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KURIAN JOSEPH J.

Writ Petition (Civil) No.22144 of 2004

Dated 26th November, 2007.

J U D G M E N T

Petitioner is aggrieved by Ext.P5 order passed by the Director cancelling the third higher grade to the petitioner. The petitioner entered service on 4.4.1979. The third higher grade counting 23 years of service was granted as per Ext.P1 with effect from 4.1.2001. Ext.P1 order is passed on 20.6.2002. Thereafter, the petitioner retired on 31.1.2003. It appears, owing to the delay in settling the pensionary benefits, he aproached this court in O.P.No.10616/03, and it is submitted that pursuant to the directions issued by this court, the entire benefits were granted. While so, Ext.P5 order was passed by the Director cancelling the third higher grade. Reference is made to Government Order dated 17.6.2004. Learned Government Pleader submits that the petitioner was not qualified to get the third higher grade. But the contention of the petitioner is that he was exempted under rule 13B of the General Rules. Be that as it may, admittedly, no notice was issued to the petitioner, either by the Government or Director while passing the impugned order. That order is passed after two

years of the grant of third higher grade and also after more than 18 months of his retirement. There is no counter affidavit despite the fact that there is an interim order ever since 27.7.2004. In that view of the matter, I do not think it will be just and proper to harass a retired employee. The impugned order is accordingly quashed.

KURIAN JOSEPH, JUDGE.

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